

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 8, 2013

Enclosed with this memorandum are the following items:

- 11-5 Notice from the American Legion Rye Post #128 regarding the Annual Veterans Day Observance to be held on Monday, November 11, 2013 beginning at 10:30 a.m. on the Village Green.
- 11-6 Legal Department Update from the Corporation Counsel dated November 8, 2013.
- 11-7 Notice from the Pace Land Use Law Center and Housing Action Council regarding a Workshop on *Fair & Affordable Housing in Westchester* to be held on Thursday, November 21, 2013 beginning at 7:00 p.m. at the Mamaroneck Town Center.
- 11-8 Meeting notice for the week of November 12, 2013 is available on the City website www.ryeny.gov under Calendar.



RYE POST #128
P.O. Box 128
Rye, New York 10580

Post 128 cordially invites everyone to attend the annual Veterans' Day Observance which will be held on the Village Green beginning at 10:30 a.m. on Monday, November 11, 2013.

A brief ceremony will be held in honor of those who served in our Nation's wars.

Thank you for your continued support. We look forward to seeing everyone on the 11th.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: November 8, 2013

TAX CERTIORARI
CARROLL v. CITY OF RYE

The Record on Appeal and City's appellate brief were filed on Monday, September 23, 2013 in the Appellate Division, Second Department.

THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE

A Notice of Appeal has been filed in connection with this matter.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

The City of Rye has filed its brief with the Appellate Division, Second Department.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

A conference call is scheduled for November 18, 2013 at 1:30 p.m. to discuss discovery objections. In addition, the ALJ has requested that the parties consider mediation as a possible option.

BASSETT v. CITY OF RYE

The Appellate Division, Second Department issued a decision reversing the lower court decision of Judge Berliner that set aside the jury verdict and remitted the matter back to him to consider whether a new trial should be granted.

CASPI v. CITY OF RYE

Motions for summary judgment were denied without prejudice and will be refiled at the completion of briefing as part of the bundling rule. As a result, once the motion is fully briefed, all papers will be submitted to the Court for review at one time.

DELLI PAOLI V. ZONING BOARD OF APPEALS

The Board of Appeals reaffirmed the Board of Architectural Review's decision to deny the application at their May meeting.

PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)

I attended a settlement conference on July 18, 2013. A trial date has been calendared for February 4, 2014.

BUTLER v. PLANNING COMMISSION

The City's reply brief was filed and served on June 10, 2013. This matter is fully submitted.

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The City has served its Answer with Affirmative Defenses.

OMNI CONTRACTING V. CITY OF RYE

The trial date has been calendared for March 3, 2014.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn

Furthering Fair & Affordable Housing in Westchester

An Evening of Presentations & Dialogue

Taking a Closer Look at the Settlement & Beyond

What's the story behind the Settlement?

How have we and others responded?

Are we inclusionary?

Can we overcome environmental and other impediments?

Why develop affordable homes in Westchester?

What are the benefits?

Who will live there?

What will these homes look like?



FACILITATED BY PACE LAND USE LAW CENTER AND HOUSING ACTION COUNCIL
IN PARTNERSHIP WITH THE TOWNS OF MAMARONECK, VILLAGE OF LARCHMONT



Thursday, November 21, 2013 at 7:00 p.m.
Courtroom at the Mamaroneck Town Center

740 W Boston Post Rd.

Mamaroneck, NY

Light refreshments will be served.

